

Rakoff, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

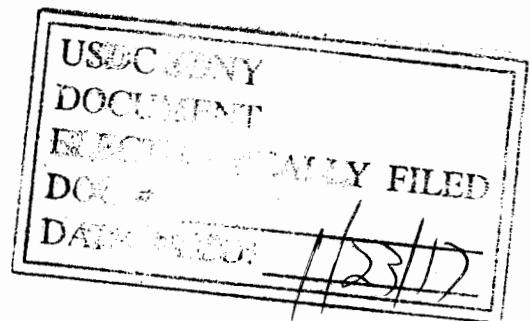
PATRIARCH PARTNERS XV, LLC and
OCTALUNA LLC,

Plaintiff(s),

v.

U.S. BANK NATIONAL ASSOCIATION, and
MBIA INSURANCE CORPORATION,

Defendants.



No. 1:16-cv-07128 (JSR)

STIPULATION AND [PROPOSED] ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this action, that this action is hereby dismissed as moot pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, without costs or fees to any party;

AND IT IS FURTHER STIPULATED AND AGREED that, whereas this action is hereby being dismissed as moot, no party shall be entitled to payment of any costs or damages as against the Undertaking on Temporary Restraining Order filed on September 15, 2016, Bond No. 800-028-082, issued by the Atlantic Specialty Insurance Company, as surety, and filed with the Clerk of Court by Plaintiffs (ECF Doc. No. 17) (the "Undertaking on Temporary Restraining Order"), and the Undertaking on Temporary Restraining Order is hereby fully and finally released and discharged in all respects;

AND IT IS FURTHER STIPULATED AND AGREED that the Atlantic Specialty Insurance Company is hereby discharged as surety in this action, and the Clerk of Court is directed to release the original Undertaking on Temporary Restraining Order to a representative

of Gibson, Dunn & Crutcher LLP, 200 Park Avenue, New York, New York 10166, counsel for the Plaintiffs in this action;

AND IT IS FURTHER STIPULATED AND AGREED that Defendant U.S. Bank National Association, solely in its capacity as trustee for Zohar CDO 2003-1, Ltd., shall pay A-3a and A-3b Senior Interest owed to the Class A-3 Noteholders in the amount of \$4,763,496.99 on or before January 20, 2017.

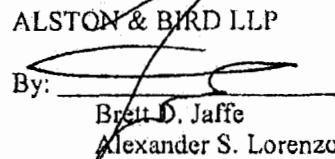
Dated: New York, New York
January 19, 2017

GIBSON, DUNN & CRUTCHER LLP

By: 
Randy M. Mastro
Mark A. Kirsch
Robert P. Serio

200 Park Avenue
New York, NY 10166
Tel.: (212) 351-4000

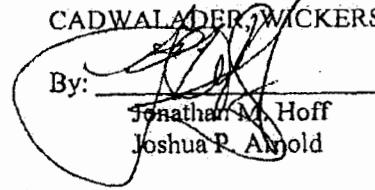
*Attorneys for Plaintiffs Patriarch Partners XV, LLC
and Octaluna LLC*

ALSTON & BIRD LLP

By: _____
Brett D. Jaffe
Alexander S. Lorenzo

90 Park Avenue
New York, NY 10016
Tel.: (212) 210-9400

*Attorneys for Defendant U.S. Bank National
Association, solely in its capacity as trustee for
Zohar CDO 2003-1, Ltd.*

CADWALADER, WICKERSHAM & TAFT LLP

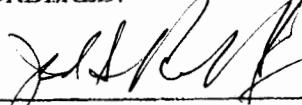
By: 

Jonathan M. Hoff
Joshua P. Arnold

One World Financial Center
New York, NY 10281
Tel.: (212) 504-6000

*Attorneys for Defendant
MBIA Insurance Corporation*

SO ORDERED:


U.S.D.J.

1-20-17

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